



DONALD H. BLEVINS
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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August 5, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Donald H. Blevins *DHB*
Chief Probation Officer

Subject: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT REGARDING
THE PROBATION CAMPS – QUARTERLY COMPLIANCE PROGRESS
REPORT (MARCH 8, 2010 THROUGH JUNE 30, 2010)**

In November 2006, the United States Department of Justice notified the County of its intent to investigate conditions of confinement at the Probation Camps to determine whether those conditions violated youth's constitutional or federal statutory rights. The United States conducted this investigation pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 ("CRIPA"), and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141") during the first half of 2007.

On October 31, 2008, the United States issued its findings that certain conditions at the Probation Department Camps violated youth's constitutional and federal statutory rights and subjected them to harm. Simultaneous with the issuance of the findings letter, the County and the United States Department of Justice entered into a four-year Memorandum of Agreement (MOA) under which the County agreed to correct the thirty-eight deficiencies outlined as "provisions" in the MOA. The MOA covers the period of October 31, 2008 to October 30, 2012. Five individuals with expertise in mental health care, psychiatry and juvenile programs were mutually agreed upon and selected to "monitor" the County's compliance with the MOU under the direction of the Lead Monitor, Michael Graham.

Under the terms of the MOA, the County must correct each of the thirty-eight (38) outlined provisions, and comply with three (3) document-related administrative provisions, and then request that the Monitor with responsibility for that provision formally monitor the provision for one year. The DOJ will classify paragraphs as "fully implemented" if the County maintains substantial compliance with the paragraphs' provisions during the formal monitoring period. Once fully implemented, the provision is removed from the MOA.

At the March 9, 2010 Board meeting, during Closed Session, a progress summary report regarding the Camps Settlement Agreement covering the time period of October 31, 2008 through March 7, 2010 was provided to the Board. At this same meeting, the Board instructed that the Probation Department submit the next progress report in July 2010, covering the time period of March 8, 2010 through June 30, 2010, and thereafter provide quarterly reports to the Board. This report covers the time period of March 8, 2010 through June 30, 2010.

STATUS OF PROVISIONS OVERVIEW

The following is a status of the settlement agreement provisions. Of the 41 provisions:

- 2 (5%) are in full compliance with the settlement agreement having met the administrative compliance requirements. These two administrative provisions were not subject to the 12-month formal monitoring period. These provisions are identified in Attachment I.
- 0 (0%) are in the 12-month formal monitoring stage as reflected in Attachment I.
- 39 (95%) remain to be moved into formal compliance monitoring status, of which 6 (15%) are anticipated to begin formal monitoring in the next reporting period as reflected in Attachment I, whereas 33 (80%) are not, as reflected in Attachment II.

COMPLIANCE STATUS OF SETTLEMENT AGREEMENT PROVISIONS CURRENT & PRIOR QUARTER COMPARISON		
Compliance Category	Prior Reporting Period	Current Reporting Period
Number of Provisions in Compliance	Not Applicable (N/A)	2 (5%)
Number of Provisions in 12-month Formal Monitoring Stage	N/A	0 (0%)
Number of Provisions Anticipated to Begin Formal Monitoring in the Next Reporting Period	N/A	6 (15%)
Number of Provisions <u>Not</u> Anticipated to be Ready for Formal Monitoring During the Next Reporting Period	N/A	33 (80%)
TOTAL	N/A	41 (100%)
TOTAL PROVISIONS IN COMPLIANCE OR IN 12-MONTH FORMAL MONITORING	N/A	2 (5%)

SUMMARY OF COUNTY PROGRESS: OCTOBER 31, 2008 – JUNE 30, 2010

The following summarizes the progress to date regarding the MOA and outlines the key occurrences:

- The County prepared Action Plans and policies and procedures to support the MOA and submitted them to the Monitors and the DOJ for review between November, 2008 and April, 2009. The submission of these documents met the formal monitoring compliance requirement of Provisions 58 (Implementation Plans) and 59 (Document Review). These Action Plans, policies and procedures continued to be reviewed, revised and resubmitted from April, 2009 through January 26, 2010, when all Action Plans, policies and procedures were approved by the Monitors and the DOJ.
- Action Plans related to Provisions 15 (Probation staffing) and 33 (Mental Health staffing) were withheld from submission by mutual agreement of the parties pending revision, review and approval by the County agencies, the Monitors, DOJ and the Board of Supervisors. These two Action Plans were formally approved by the Board of Supervisors on March 2, 2010.
- On October 20, 2009, the Monitor issued the first Monitoring report covering the time period of November 1, 2008 through April 30, 2009. In the report, the Monitor noted that the County met the two specific administrative objectives required during the first reporting period by submitting Action Plans and policies and procedures for review by the Monitors and the DOJ. As a result of the County meeting these two administrative objectives, both provisions were deemed to be in "full compliance" with the MOU and no further action or monitoring is required on them.
- The Monitors completed their required visits to all nineteen (19) of the Probation Department Camps on April 30, 2010. Thereafter, pursuant to a change in the MOA approved by all parties on March 2, 2010, the Lead Monitor shall be responsible for designating which camps the Monitors' visit based on observed progress and MOA compliance levels.
- The County agencies have been implementing corrective processes at the facilities as time, circumstances and resources have permitted. The final approval of the majority of the Action Plans on January 26, 2010, and Provisions 15 (Probation Staffing) and 33 (Mental Health Staffing) has allowed for these implementation processes to continue.
- The Probation Department, the Department of Mental Health, the Department of Health Services and the Auditor-Controller have submitted to the CEO requests for staffing, office space and other resources needed to address the MOA. These requests are pending.

- The Monitor's Second Semi-Annual Report, covering the reporting time period of May 1, 2009 through October 31, 2009 was published on April 7, 2010.
- The Monitor's Third Semi-Annual Report, covering the reporting time period of November 1, 2009 through April 30, 2010 is anticipated to be published in early August 2010.

The Probation Department will submit the next progress report in October 2010, covering the time period of July 1, 2010 through September 30, 2010.

The Departments of Mental Health and Health Services have reviewed and concur with this report.

Please contact me if you have any questions or if additional information is needed, or your staff may contact Ron Barrett, Los Angeles County DOJ Project Manager at (562) 305-7562.

DHB:RB:gj

Attachments (2)

- c: Sachi A. Hamai, Executive Officer, Board of Supervisors
William T Fujioka, Chief Executive Officer
Brence Culp, Chief Deputy, Chief Executive Office
Jackie White, Deputy Chief Executive Officer
Andrea Sheridan Ordin, County Counsel
Wendy L. Watanabe, Auditor-Controller
Dr. Marvin D. Southard, Director, Department of Mental Health
Dr. John Schunhoff, Interim Director, Department of Health Services
Justice Deputies

PROVISIONS IN FULL COMPLIANCE WITH SETTLEMENT AGREEMENT

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Completion Date</u>
58	Implementation Plans	All	Feb. 19, 2009
59	Document Review	All	April 29, 2009

TOTAL PROVISIONS: 2 (5%)

PROVISIONS CURRENTLY IN 12-MONTH FORMAL MONITORING COMPLIANCE STAGE

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Effective Date</u>
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TOTAL PROVISIONS: 0 (0%)

PROVISIONS ANTICIPATED TO BEGIN FORMAL MONITORING IN THE NEXT REPORTING PERIOD (JULY 1, 2010 – SEPTEMBER 30, 2010)

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
18	Staff Training/Supervision of Youth	Probation	Sept. 30, 2010
20	Child Abuse Reporting	Probation	Sept. 30, 2010
25	Development Suicide Prevention Policy	Probation/DMH	Sept. 30, 2010
34	Screening	Probation	Sept. 30, 2010
46	Discharge Planning	All	Sept. 30, 2010
47	Audit Process for DOJ	All	Sept. 30, 2010

TOTAL PROVISIONS: 6 (15%)

**PROVISIONS NOT ANTICIPATED TO BE READY FOR
FORMAL MONITORING DURING THE NEXT REPORTING PERIOD**

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Date</u>
9	Protect from Inst. Abuse Practice	Probation	Dec. 31, 2010
10	Use of Force	Probation	Dec. 31, 2010
11	OC Spray	Probation	Dec. 31, 2010
12	Use of Force Review	Probation	Dec. 31, 2010
13	Threats and Intimidation	Probation	Dec 31, 2010
14	Consumption of Alcohol by Staff	Probation	Feb. 28, 2011
15	Probation Staffing	Probation	June 30, 2011
16	Orientation	Probation	Dec. 31, 2010
17	Rehabilitation and Behavior Mgmt.	Probation	May 31, 2011
19	Reduce Youth on Youth Violence	Probation	Dec. 31, 2010
21	Child Abuse Investigation	Probation	Dec. 31, 2010
22	Classification	Probation	Dec. 31, 2010
23	Grievance	Probation	Dec. 31, 2010
24	Youth Movement Between Halls/Camp	Probation	Oct. 31, 2010
26	Assessment	DMH	Mar. 30, 2011
27	Management of Suicidal Youth	Probation/DMH	Mar. 30, 2011
28	Care for Self-Harming Youth	Probation/DMH	Mar. 30, 2011
29	Documentation of Suicide Precautions	Probation/DMH	Mar. 30, 2011
30	Supv. of Youth at Risk of Self-Harm	Probation	Mar. 31, 2011
31	Suicide Precautions/Transfer of Youth	Probation	Mar. 31, 2011
32	Training-Suicide Prevention	Probation/DMH	Dec. 31, 2010
33	Staffing-Department of Mental Health	DMH	Mar. 31, 2011
35	Assessments	DMH	Mar. 31, 2011
36	ID Youth With MH Disorders	DMH	Mar. 31, 2011
37	Record Keeping	DMH/JCHS	Mar. 31, 2011
38	Training/Supervision of DMH Clinicians	DMH	Mar. 31, 2011
39	Evaluation and Treatment	DMH	Mar. 31, 2011
40	Treatment Planning	DMH	Mar. 31, 2011
41	Implementation of Treatment Plan	DMH	Mar. 31, 2011
42	Counseling Services	DMH	Mar. 31, 2011
43	Substance Abuse	Probation/DMH	Mar. 31, 2011
44	Monitoring of Psychotropic Medications	DMH/JCHS	Mar. 31, 2011
45	Staff Understand MH/Dev. Disability	All	Mar. 31, 2011

TOTAL PROVISIONS: 33 (80%)